

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

JAN 12 AM 9:53

RECEIVED

In re:

Charlene Fisher,

Respondent

) Docket No. 12-0007
)
)
) Consent Decision
) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the "Act", by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that Charlene Fisher, hereinafter referred to as "Respondent", willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent is an individual whose mailing address is 13561 Wild Horse Way, Greentop, Missouri 63546.

2. Respondent, at all times material herein, was not licensed as a dealer under the Act and the regulations.

Conclusions


Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:
 - (a) Conducting regulated activity without being duly licensed.
2. Respondent is assessed a civil penalty of \$14,000.00, \$13,000.00 of which shall be held in abeyance provided that she, after notice and opportunity for a hearing, is not found to have violated the Act or the regulations and standards issued thereunder, or this consent agreement for a period of 3 years. The remaining \$1,000.00 shall be paid by a certified check or money order made payable to the Treasurer of United States.
3. Respondent is permanently disqualified from obtaining a license under the Act.

The provisions of this order shall become effective on the first day after service of this decision on Respondent.

Copies of this decision shall be served upon the parties.



Charlene Fisher



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 12 day of JAN, 2012



Administrative Law Judge

